The City Council of the City of Raleigh met in regular session on Tuesday, January 4, 1983, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb (Arrived late)
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend L. R. Lineberger, Pastor of Our Saviour Lutheran Church, after which, the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

ARTS COMMISSION - RECOGNITION OF JO CRESIMORE - RESOLUTION ADOPTED

Mayor York called on John Edwards, Chairman of the Municipal Building Committee, to make a presentation. Mr. Edwards explained the work of the Arts Commission starting with the Steering Committee set up in August, 1975, under Former Mayor Clarence E. Lightner. He explained the work of the Steering Commission which led to the adoption of an ordinance that established the Arts Commission in November, 1977. He pointed out Jo Cresimore served on the Steering Committee and as the first chairperson. He told of the work done by the Arts Commission during Ms. Cresimore's administration. He pointed out, as Chairman of the New Municipal Building Committee, he is pleased that the City of Raleigh will have art space for local artists to exhibit their work. Mr. Edwards read a resolution honoring Jo Cresimore for her work and leadership on the Arts Commission.

RESOLUTION NO. (1983) 130

WHEREAS, JO CRESIMORE focused effectively on the need for a City Arts Commission; and

WHEREAS, JO CRESIMORE served diligently as Chairman of the Steering Committee as it researched other municipal Arts Commissions, studied the feasibility of establishing a similar agency in Raleigh, and drafted the Ordinance which, as adopted by the Raleigh City Council, created the Raleigh Arts Commission; and

WHEREAS, JO CRESIMORE served as first Chairman of the Raleigh Arts Commission, providing superior leadership during her term of office from November 1977 through November 1978; and

WHEREAS, JOE CRESIMORE has continued in years hence, to serve as an active and dedicated member of the Raleigh Arts Commission, devoting time and expertise in the areas of planning, policies and procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL on this Fourth Day of January 1983 that JOE CRESIMORE be commended for her many valuable contributions to the Raleigh Arts Commission and express our deepest appreciation for her constant commitment to the arts in our Great City.

MS. BABB ARRIVES AT THE MEETING.

Mayor York presented a plaque of appreciation to Ms. Cresimore. In accepting, Ms. Cresimore indicated she is very touched by this high honor, pointing out to her it means the City Council recognizes the importance of citizen involvement in City Government. She pointed out the Arts Commission has come a long way and expressed appreciation to the Council for their support and asked for their continued help.

GIFT - TABLE - RECEIVED

Mayor York called on C. Willis Williams indicating Mr. Williams had been asked by Samuel Lanahan, Sculpture and former Raleigh resident, to offer as a gift to the City a table designed and made by him, pointing out the table is of chrome and walnut construction with an inlayed top of handmade ceramic tiles depicting the Fayetteville Street Mall as seen from above the Civic Center. The concept of the table is a direct result of the artist's strong interest in the City of Raleigh inner City and the arts, plus the mutual benefits of developing these two together. It was pointed out while the design was Mr. Lanahan's, he enlisted three area artists in the sketching, cutting, glazing and firing of the clay tiles - Nancy Redman, Dan Lovejoy and Jeff Emma. It was pointed out that Mr. Lanahan had moved to Colorado earlier this year, but felt that the table should be left in the City. Mayor York pointed out as a note of special interest, Mr. Lanahan is the grandson of Novelist F. Scott Fitzgerald, and is also Lecturer Assistant to Designer Buckminster Fuller. Mayor York and Mr. Williams spoke to the audience, with Mayor York accepting the table expressing appreciation.

FIRE CHIEF - TOM KUSTER - INTRODUCED

Mayor York called on City Manager Zachary to introduce the new Fire Chief Tom Kuster. Mr. Zachary indicated Mr. Kuster will come to Raleigh on January 31 and will assume duties at midnight on that date. Mr. Kuster indicated it is a pleasure to be in Raleigh and to him it is a privilege and challenge to accept the position.

FALLS LAKE - FULL IMPOUNDMENT TO START

Mayor York read a letter dated January 3, 1982, from the Corps of Engineers, announcing that full impoundment of the Falls Lake project will be initiated on January 13, 1983. The impoundment will be accomplished in accordance with the approved Reservoir Filling Plan.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion, pointing out if the Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. No one asked to pull an item from the Consent Agenda. Mr. Walters MOVED ADMINISTRATION'S RECOMMENDATION AS OUTLINED ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - SYD'S - APPROVED

A privilege license application for Syd's in the Holiday Inn North, 2815 North Boulevard, in the name of the manager, Odes Henk Meyer, was presented. The application is for a dance hall, public club with live entertainment classified as a class two entertainment center. POLICE AND INSPECTIONS REPORTS INDICATE APPROVAL. Consent Agenda approval - Walters/Calloway - 8 ayes.

STATE SYSTEM STREETS - BROOKHAVEN ANNEXATION - RESOLUTION ADOPTED

The Agenda presented a list of streets in the recent Brookhaven annexation. ADMINISTRATION REQUESTS THAT THE CITY COUNCIL APPROVE A RESOLUTION ASKING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO REMOVE THESE STREETS FROM THE STATE SYSTEM AND ADD TO THE CITY SYSTEM FOR MAINTENANCE. The streets were as follows:

State Road Number	Name of Street	From State Road Number	To State Road Number
1862	Winthrop Drive	Existing City Limits	1829
3272	Braddock Drive	1862	1829
1898	Cartwright Drive	1862	1829
1897	Monticello Drive	1882	1829
1829	Dodsworth Drive	1887	1862
1899	Charwood Court	1862	Cul-De-Sac
1877	Larchmont Drive	1887	1862
1887	Hermitage Drive	1862	1887
1888	Chelsea Place	1887	Cul-De-Sac

Consent Agenda approval - Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 131

A RESOLUTION REQUESTING THE STATE HIGHWAY COMMISSION TO MAKE DELETIONS DESCRIBED HEREIN FROM THE STATE HIGHWAY STREET SYSTEM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the State Highway Commission be and is, by this resolution, requested to delete the following streets from the State Highway System and added to city streets for maintenance:

State Road No.	Name of Street	From State Road No.	To State Road No.
#1862	Winthrop Drive	Existing City Limits	#1829
#3272	Braddock Drive	#1862	#1829
#1898	Cartwright Drive	#1862	#1829
#1897	Monticello Drive	#1882	#1829
#1829	Dodsworth Drive	#1887	#1862
#1899	Charwood Court	#1862	Cul-De-Sac
#1887	Larchmont Drive	#1887	#1862
#1887	Hermitage Drive	#1862	#1887
#1888	Chelsea Place	#1887	Cul-De-Sac

Section 2. That a copy of this resolution shall be furnished the State Highway Commission.

Adopted: 1/4/83

EMERGENCY SHELTER - FUNDING APPROPRIATED

During the Council Meeting on December 21, 1982, the City Council approved a $5,000.00 appropriation for the Task Force for Emergency Shelter. Administration was directed to suggest a source of funding. IT HAS BEEN RECOMMENDED THAT THE FUNDING IN THE AMOUNT OF $5,000.00 BE SUPPLIED FROM CODE ACCOUNT 34-2-1000-100 - RESERVE FOR COUNCIL PROJECTS. Consent Agenda approval - Walters/Calloway - 8 ayes.

TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

On December 21, 1982, the City Council approved application for taxicab owner's permit on a first reading with the understanding they would be placed on this Agenda for consideration. ADMINISTRATION RECOMMENDS APPROVAL OF THE FOLLOWING APPLICATIONS ON A SECOND AND FINAL READING:

Nelson N. Ngari, Independent Cab Company (New Individual Owner's Permit)

Mrs. Claudette Elaine Sutton, Triangle Express Taxi Company (New Franchise)

Maxine Gulley, Triangle Express Taxi Company (New Individual Owner's Permit)

Roosevelt Sanders, Triangle Express Taxi Company (New Individual Owner's Permit)

John Burnett, Rainbow Cab Company (New Individual Owner's Permit)

Consent Agenda approval - Walters/Calloway - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative transfers which the Manager has authorized according to Council procedure. CONCURRENCE WITH THE MANAGER'S ACTIONS IS RECOMMENDED. Consent Agenda approval - Walters/Calloway - 8 ayes. The transfers were as follows:

From	To	Amount
43-2-9090-231	43-2-9090-230	$ 75.19
01-2-6010-619	01-2-6010-645	330.00
43-2-4100-226		100.00
43-2-4100-261		250.00
43-2-4100-213	43-2-4100-213	350.00
01-2-1040-217	01-2-1040-296	233.00
18-2-0500-270	18-2-0500-258	700.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - RESOLUTION ADOPTED

The Agenda presented recommended transfers within various departments for purposes as stated therein. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AS OUTLINED. Consent Agenda approval - Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 132 TF 21

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 43-2-4060-100	Rehab. Loans & Grants	$ 2,850.00
To 43-2-4010-240	Printing & Reprod.	2,850.00

Purpose: To provide sufficient funds for printing of C. D. Annual Report.

From 37-2-1000-100	Council Reserve	$15,000.00
To 37-2-2430-210	Methodist Home Plan	15,000.00

Purpose: To set up funds for Master Plan Consultant for Methodist Home Property.

From 19-2-2700-265	Revolving Fund	$ 1,350.00
To 02-2-4370-100	Salaries	1,350.00

Purpose: To fund unanticipated cost of living increase and longevity pay not figured in original grant application.

Adopted: 1/4/83

PU PROJECTS 1982-24, 25, 26, 27, 28 AND 29 - VARIOUS LOCATIONS - RESOLUTION OF INTENT ADOPTED

ADMINISTRATION RECOMMENDS THAT THE FOLLOWING PUBLIC UTILITY PROJECTS BE APPROVED AND THAT THE CITY COUNCIL ADOPT A RESOLUTION OF INTENT TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 1, 1983.

PU 1982-24 - Installation of approximately 1100 feet of 8 inch sewer main within a 200 foot easement, to be installed beginning at Delta Lake Drive and continuing northward to Fire Station #18 on Pleasant Valley Road, at an estimated cost of $25,000.00, with assessment based on abutting frontage. This will be a fee in lieu of line until the area is annexed.

PU 1982-25 - Installation of approximately 800 feet of 8 inch water main in Pleasant Valley Road, beginning 100 feet west of Commercial Drive, westward approximately 800 feet to Fire Station #18, at an estimated cost of $16,000.00, with assessment to be based on front footage method. This will be a fee in lieu of line until the area is annexed.

PU 1982-26 - Installation of approximately 1100 feet of 16 inch water main to be installed in Millbrook Road, from Atlantic Avenue eastward 1100 feet, to dead-end of existing 16 inch water main, with an estimated cost of $33,000.00. The recommended assessment is the front footage bases.

PU 1982-27 - Installation of approximately 3000 feet of 24 inch water main within the right-of-way and proposed realignment of Millbrook Road, from existing City Limits eastward to proposed Atlantic Avenue, at an estimated cost of $186,000.00, with assessment on front footage bases. This main will provide additional feed into the area as recommended in the Pitometer work coordinated in Millbrook Road improvements.

PU 1982-28 - Installation of approximately 4,600 feet of 42 inch water main within the proposed Atlantic Avenue/Millbrook Road to Spring Forest Road, at an estimated cost of $579,600.00, with assessment on front footage bases to apply. This main will provide additional feeder main in the area as recommended by Pitometer and sized by the Public Utilities Director and is to be coordinated with the Atlantic Avenue project.

PU 1982-29 - Installation of approximately 5,150 feet of 30 inch water main within Atlantic Avenue, from the Beltline northward 2,440 feet to the southern end of Winton Road, and from the northern end of Winton Road northward 2,710 feet to Millbrook Road, at an estimated cost of $864,000.00, with assessment on front footage bases to apply. This is needed to provide additional feeder main as recommended in the pitometer study. The 30 inch installation will run from the Beltline to Millbrook Road, but only the two sections listed above can be assessed. This project would be coordinated with the Atlantic Avenue project.

Consent Agenda approval - Walters/Calloway - 8 ayes.

RESOLUTION NO. (1983) 133

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(A) PU 1982-24 - Installation of approximately 1,100 feet of 8 inch sanitary sewer main within a 20 foot easement beginning at Delta Lake Drive and continuing northward to Fire Station 18 on Pleasant Valley Road (property is currently outside City limits; however, when annexed, the property owners will be assessed according to front footage of property abutting the extension).

(B) PU 1982-25 - Installation of approximately 800 feet of 8 inch water main in Pleasant Valley Road, beginning 100 feet ± west of Commercial Drive, westward 800 feet ± to Fire Station 18 (property is currently outside the City limits; however, when property is annexed, property owners will be assessed according to front footage of property abutting the extension).

(C) PU 1982-29 - Installation of approximately 5,150 feet of 30 inch water main within Atlantic Avenue from the Beltline northward 2,440 feet to the southern end of Winton Road and from the northern end of Winton Road northward, 2,710 feet to Millbrook Road (assessment on front footage basis).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: See individual projects listed above.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 15th day of February, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: January 4, 1983

RESOLUTION NO. (1983)-139A

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

(A) PU 1982-26 - Installation of approximately 1,100 feet of 16 inch water main in Millbrook Road from Atlantic Avenue, eastward, 1,100 feet ± to the Deadend of the existing 16 inch water main.

(B) PU 1982-27 - Installation of approximately 3,000 feet of 24 inch water main within the right-of-way and proposed realignment of Millbrook Road from the existing City limits eastward to the proposed Atlantic Avenue.

(C) PU 1982-28 - Installation of approximately 4,600 feet of 42 inch water main within the proposed Atlantic Avenue, Millbrook Road to Spring Forest Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 5th day of April, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: January 4, 1983

TRAFFIC - NO PARKING ON PORTIONS OF BRENTWOOD ROAD - ORDINANCE ADOPTED

The Agenda presented a recommended change in the No Parking Zone on Brentwood Road with recommendation of approval with ADMINISTRATION RECOMMENDING APPROVAL AS OUTLINED. Consent Agenda approval - Walters/Calloway - 8 ayes.

ORDINANCE NO. (1983) 50

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Brentwood Road, east side, from New Hope Church Road, northward 50 feet

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective January 11, 1983.

ADOPTED: 1/4/83

EFFECTIVE: 1/11/83

END OF CONSENT AGENDA

SPECIAL ITEMS

CABLEVISION FRANCHISE - EXTENSION - ADOPTED ON SECOND AND FINAL READING

During the December 21, 1982, Council Meeting, the City Council adopted, on the first reading, an ordinance to extend the CATV Franchise now held by American Cablevision of Carolina, Incorporated. A copy of that ordinance was included in the Council members Agenda packet. It would be appropriate to consider adoption of this ordinance on a second and final reading. Mr. Edwards MOVED ADOPTION OF THE ORDINANCE EXTENDING THE CABLEVISION FRANCHISE ON A SECOND AND FINAL READING. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - RFP - APPROVED AS AMENDED

Mayor York indicated Council members received a copy of the RFP for cable service in Raleigh from the City Attorney. He questioned if City Attorney McCormick had comments. Mr. McCormick pointed out that the last section of the RFP is an ordinance which hasn't been enacted by the City Council, but summarizes the negotiations with ATC. He pointed out the Council will need to adopt this or a similar ordinance before any franchise is granted. He stated the other parts of the RFP's is stock type material - information on owner, programing, etc. Mayor York suggested as a matter of procedure that the City Council accept what was presented as a base document and any changes would be a change to the document as presented. He pointed out if Council members have suggestions for changes, they can make that suggestion in the form of a motion and the Council would vote.

Mr. Upchurch indicated paragraph 3 of the introduction causes him problems. He indicated the sentence, "From a purely administrative point of view, the City would like to award a single non-exclusive contract." He indicated he did not feel that the Council had ever made that statement or indicated such a feeling. Therefore, he would move THAT PARAGRAPH 3 OF THE INTRODUCTION BE AMENDED BY DELETING THE FOLLOWING, "FROM A PURELY ADMINISTRATIVE POINT OF VIEW, THE CITY WOULD LIKE TO AWARD A SINGLE NON-EXCLUSIVE CONTRACT. HOWEVER," AND THAT THE WORD "AS" BE CAPITALIZED AS THE BEGINNING OF THE SECOND SENTENCE OF PARAGRAPH 3. His motion was seconded by Mr. Edwards. Mr. Walters indicated other than the first sentence of paragraph 3, he feels the rest of the information is superfluous, pointing out only the first sen-

tence is fact and the rest is just information. Mr. Edwards indicated he had that feeling when he initially read the introduction, but pointed out if the City Council passes Mr. Upchurch's motion, then that would leave paragraph 3 with just the law and matters of statement of fact that the Council is reiterating. Therefore, he would like to consider the motion as is. Mayor York indicated he generally doesn't have any strong feeling one way or the other. He stated, however, to him the whole paragraph is clear and he feels the City Attorney drafted it quite well and it possibly should be left as it is pointing out, however, it is not a big point either way in his opinion. In response to questioning, City Attorney McCormick indicated the reason this sentence was a part of the introduction is that from an administrative standpoint, it is always easier to administer one contract rather than two. He stated the Council could leave it in or take it out, it didn't matter to him. Mr. Upchurch said if that is administration's feeling, that is one thing, but he doesn't feel the Council has stated that with City Attorney McCormick indicating he was not speaking for administration, as he did not know if that was administration's feeling, he was only saying from an administrative standpoint it is easier to administer one contract than two.

Ms. Babb indicated this discussion illustrates the fundamental differences of opinion that does exist on this Council as to what the Council means when it said the Council has the prerogative. She pointed out everyone knows that we are not talking about awarding an exclusive franchise as such, but awarding what would be best for the City. She indicated in other places she knew that economic studies have been done to determine if the community could support more than one cable company. She indicated as she remembered it when the Council discussed the RFP, the City Attorney was directed to come up with a paragraph describing the Council's feeling on this matter. Discussion took place as to what the City Attorney was directed to draft, after which, Ms. Babb read from the minutes of December 7, 1982, in which Mayor York indicated everyone seems to agree we can't issue exclusive franchises and that maybe there should be come introductory type comment to set down the feeling of the Council that it is not necessarily the Council's desire or intent to issue more than one franchise and that any franchise issued will have to meet certain requirements, but it is not a matter of granting franchises to all who apply. She indicated she felt paragraph 3 of the introduction might be strengthened if it set out in a clear direction the Council's feelings. She indicated everyone is aware that the legal opinion on the City's discretion is divided. She again pointed out some communities have used economic studies to determine if more than one cable company can survive. She also pointed out that everyone knows that rates are based on penetration rates and obviously the number of franchises would have an effect on the rate of penetration and, therefore, have a possible effect on the rates the citizens of Raleigh will have to pay. She stated she feels it is very important that this Council doesn't set here and adopt a procedure that will sabotage the competitive bidding process that the Council had decided to go to and that the citizens have demanded the Council go to. She stated she did not want the Council to get itself into a situation in which the RFP is so structured, it will sabotage this effort. Mr. Walters indicated he agreed that we need to avoid all ambiguity and that is why he has suggested all along that the City Council include the actual law and nothing else.

Mr. Jordan questioned if we have had any inquiries, with City Attorney McCormick indicating we have. In response to questioning, he indicated two people have requested RFP's, three have indicated they didn't want an RFP and other inquiries were from people who were just seeking information. Mr. Jordan questioned the nature of the questions, with City Attorney McCormick indicating they cover the whole gambit, such as how many people live here, if ATC would remain here, how many franchises would be granted, etc. Mr. Jordan questioned how the attorney answered the question about multiple franchises, with City Attorney McCormick indicating he had told everyone that he had advised the City Council that they could not issue an exclusive franchise. He indicated he had also told the people that he did not know how many franchises the City Council would grant, but that the RFP's would be presented to the Council today for action. Mr. Jordan indicated everyone wanted to receive proposals from as many as possible. He stated he is a little concerned, as he would have thought that we would have had inquiries from a number of people wanting to serve the City with cablevision.

Ms. Babb asked the City Attorney to comment on the perception that many people, including herself, have that cablevision although it isn't a public utility, it functions much like one and that public utilities are generally felt or looked upon as a natural monopoly. She asked the attorney's comment on this, as well as the fact that many places have had studies done prior to decisions being made. City Attorney McCormick spoke to the fact that there are many types of regulated industries. He pointed out the utilities such as gas, electricity, etc., which Ms. Babb refers to as natural monopolies is one thing. He indicated there are other industries such as the trucking industries, etc. that are regulated by many regulatory authorities. He indicated cable TV has the characteristics of both. He stated there is no definitive court decisions to guide the City Council. He stated there is a lot of pending decisions that would be helpful if rendered in guiding the Council. He stated, in his opinion, you have to look at the issue on two grounds, that is the antitrust and the first amendment ground, indicating these are two entirely separate things. He indicated cablevision operations in some parts of the country are saying that they are first amendment simulators, but he does not feel that there has been a definite decision or declaration as to which cable companies would fall under, pointing out they call themselves both depending on which theater they are in. He commented briefly on the study that was made in Maple Heights, pointing out in his opinion, the study was made based on some interesting assumptions including penetration, etc.,

pointing out these studies are valuable to some extent. He again pointed out as there is no guiding court cases that the City Council could look to to say that cablevision is or is not a natural monopoly. Ms. Babb questioned if the City Attorney feels it would be helpful to have an economic study such as this and this was discussed at length. City Attorney McCormick indicated based on the information available, etc., it would appear to him at this time that cable probably isn't a natural monopoly and explained his reasons. Ms. Babb indicated she didn't feel it was the City's responsibility to guarantee any business that it will stay in business, but she feels it is the responsibility of the Raleigh City Council to follow a process that is good and will guarantee a competitive process. She pointed out the decision that the Council makes about the RFP is going to determine the quantity, quality and number of proposals that the City will be getting. She stated it is interesting that cable companies take different positions and cited a case in Fresno in which two franchises were awarded and then one later sold to the other. After lengthy discussion on the intent of the RFP, why the sentence was added in the introduction, different Council members' interpretation on the sentence, the City Attorney's interpretation that he was talking about day to day cable operation, the fact that no one has suggested an exclusive franchise and what would happen if only one proposal was received, the motion as stated was put to a vote with results as follows: Ayes - Walters, Calloway, Edwards, Keller, Upchurch, Noes - York, Babb, Jordan. THE MAYOR RULED THE MOTION ADOPTED AND THE SECOND SENTENCE AND THE FIRST WORD OF THE THIRD SENTENCE WOULD BE DELETED FROM THE THIRD PARAGRAPH OF THE INTRODUCTION.

Mr. Edwards indicated on November 23, 1982, the City Council adopted the following motion: "In view of the fact that negotiations with ATC were not totally successful, the City Council agrees that the minimum standards that are used in our RFP, be those conditions negotiated with ATC including rates, leaving out, by necessity, the 23 channel interim update and directed preparation of an RFP based on these and that the City Attorney would come back on December 7 with a recommended timetable and procedure to follow." He indicated this motion was adopted by a 7-1 vote. He stated, in his opinion, what we are lacking in this RFP is an EXHIBIT OR AN ATTACHMENT THAT GIVES THOSE CONDITIONS OF THE LAST NEGOTIATION. HE STATED ALL OTHER CONDITIONS SHOULD BE INCLUDED AND HE FEELS THAT WE SHOULD INCLUDE RATES, CONSTRUCTION SCHEDULE AND ALL OTHER PERTINENT INFORMATION NECESSARY AS AN ATTACHMENT TO THE RFP, SO THAT ANYONE SUBMITTING A PROPOSAL TO THE CITY OF RALEIGH FOR A CABLE FRANCHISE WOULD HAVE AVAILABLE TO THEM WHAT THE CITY'S MINIMUM STANDARDS ARE. Mr. Edwards put this into the form of a motion which was seconded by Mr. Upchurch. Discussion took place, with Mr. Edwards pointing out ATC had proposed a 12/60 channel tier. He indicated he believed that they chose to do that as the City was requesting a fully addressable system, however, he believes that it is possible that someone would propose something different. He stated he feels we need to include IN THE RFP THAT IN THE EVENT THERE IS ANY DEVIATION FROM THE MINIMUM STANDARDS ATTACHED HERETO, THAT THE PROPOSAL WILL BE WEIGHED ON A COST/BENEFIT BASIS TO THE SUBSCRIBER. City Attorney McCormick indicated the only concern he has about this amendment is the words cost/benefit analysis. After which, Mr. Edwards CHANGED THE WORDS "COST/BENEFIT ANALYSIS TO THE SUBSCRIBER" TO "COMPARABLE". Mr. Upchurch accepted this amendment and the motion TO ADD A SECTION AS OUTLINED BY MR. EDWARDS' MOTION BE INCLUDED IN THE RFP WAS PUT TO A VOTE WHICH PASSED UNANIMOUSLY. THE MAYOR RULED THE MOTION ADOPTED.

MR. WALTERS MOVED THAT THE RFP AS AMENDED TODAY, BE APPROVED. His motion was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative except Ms. Babb who voted in the negative. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - NOMINATIONS MADE

The City Clerk reported the term of Margaret Adams expires on February 6, 1983. She is eligible for reappointment, however, her attendance record over the past year has not been good. No nominations have been made. Mr. Edwards nominated Grover D. Bland, 2013 Glenwood Avenue. No further action was taken.

GREENWAY COMMISSION - NOMINATIONS MADE

The City Clerk reported the terms of Stanley Williams and Phil Hinton expires February 17, 1983. Both are eligible for reappointment and their attendance record is good. The term of the Youth Council Representative - Lynn Jacobs, also expires on February 17, but her attendance record has not been good. Mr. Upchurch MOVED THAT THE CITY CLERK TALK WITH SARAH VANN OF THE YOUTH COUNCIL AND ASK FOR A RECOMMENDATION BACK TO COUNCIL. Without objection, the Clerk was asked to make this contact. Mr. Edwards nominated Phil Hinton. Mayor York nominated Stanley Williams. Mr. Walters indicated he had a nomination, but the two present people are very good members and he would hate to place someone in nomination against them. Mr. Walters nominated Ted Gossett.

APPEARANCE COMMISSION - RESIGNATION ANNOUNCED

The City Clerk indicated she had received a resignation from Sam Reynolds as a member of the Appearance Commission. Mayor York nominated Cathy Reiger. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

CEDAR HILLS PARK - SWEETBRIAR NOT TO BE EXTENDED TO THE NORTH; MATTER REFERRED BACK TO THE LAW AND FINANCE COMMITTEE

Mr. Jordan indicated he would like to break down the Committee's recommendation on the Cedar Hills Park. He stated the Committee recommends approval of the master park plan for Cedar Hills Park, dated December 15, 1982, however, not showing the road alignment and that that be further studied in Committee. His motion was seconded by Mr. Calloway. Mayor York indicated he had a suggestion to make and that be that the Sweetbriar extension to the north be deleted and further study alternatives to where or how Sweetbriar should be extended. Mayor York presented the plan indicating he had met with some of the representatives of the neighborhood and he agrees with the neighborhood, that Sweetbriar should not be extended to the north. He indicated there is a plan showing the road going around the west side, however, there was no agreement reached with the neighborhood as to how the road should be extended, but everyone concurred that it should not be extended to the north through the park. He stated he did not know whether the Council should go ahead and vote on the master park plan without the road in question being settled, as that may change something. Mr. Jordan withdrew his motion. After brief discussion, Mr. Edwards MOVED THAT THE SWEETBRIAR EXTENSION TO THE NORTH BE DELETED BUT THE MASTER PARK PLAN BE REFERRED BACK TO THE LAW AND FINANCE COMMITTEE FOR STUDY. His motion was seconded by Mr. Calloway. Ms. Babb pointed out Council members had received a memo from the Cedar Hills Citizens Group opposed to the extension of Sweetbriar Drive. She indicated that memo makes some very good points, pointing out they are concerned not only about the street splitting the park, but whether a street is needed or if Sweetbriar should be extended at all. Ms. Babb made a substitute motion that the City Council direct that Sweetbriar be cul-de-saced and the Council plan at this point for the street not to be extended in any manner. Her substitute motion was seconded by Mr. Upchurch. Mr. Upchurch indicated he had been out and walked through the area and he believes this park will be used by the families in the area. He indicated it looked as if there was a good number of streets going into the area and we are proposing that Spring Forest be extended to one side of the park. He pointed out basically all the streets go a few blocks and dead-end. He stated he feels that the City should preserve every inch of the park possible. Therefore, he feels that we should go ahead and cul-de-sac Sweetbriar and let them have a park and use it. Mr. Walters indicated he would support this, pointing out if we have a corridor and development occurs, then we could look at the problem and see how the street should be extended. Mayor York indicated the park plan is one thing and the road is another. He stated he did not know if we could work something out, but he is a little fearful of not having any connection of these streets in the area. Mr. Keller indicated the major question is the master plan for the park. He indicated Mr. Jordan's motion deleted the Sweetbriar extension to the north but was to approve the master plan and he feels we need to get that approved and move on. Mr. Edwards pointed out he did not feel how we could approve the master plan before we decided what would happen to the street. Ms. Babb indicated she is familiar with this area and what is there now and she feels that the plan for a connection street is premature. Mayor York stated we are not talking about building the street now, but planning, and he feels that possibly there should be some connection. Discussion took place, with it being pointed out that the Sweetbriar extension is on the collector street plan and if it is cul-de-saced at this point, that would be removing it or the possibility of it being extended. Mr. Walters indicated if we are talking about changing the collector street plan without study in Committee or a public hearing, then he would be against it. He stated he would be against removing a corridor from the thoroughfare or collector street plan without proper study. He stated, however, he would agree that Sweetbriar should not be extended north through the park at this point. After lengthy discussion, the substitute motion was put to a vote with all members voting in the negative, except Ms. Babb and Mr. Upchurch, who voted in the affirmative. The Mayor ruled the motion defeated. The original motion to delete the Sweetbriar extension to the north through the park but refer the plan back to the Law and Finance Committee for further study, was put to a vote and passed with all members voting in the affirmative, except Ms. Babb and Mr. Upchurch, who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

THE COUNCIL TOOK A FIFTEEN MINUTE BREAK BETWEEN 2:30 AND 2:45

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

STREET CLOSING - UNOPENED PORTION OF MILLS STREET - RESOLUTION CLOSING ADOPTED; SUBDIVISION S-128-82 - APPROVED

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THE UNOPENED PORTION OF MILLS STREET RIGHT-OF-WAY BETWEEN WIGGS STREET AND NOBLE ROAD, BE CLOSED PERMANENTLY. On behalf of the Committee, he moved the recommendation be upheld, which was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 134

A RESOLUTION DIRECTING THE CLOSING OF THE UNOPENED PORTION OF MILLS STREET RIGHT-OF-WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of the unopened portion of Mills Street right-of-way;

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, and published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to his property;

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the following street be closed:

BEGINNING at an iron pipe on the Eastern edge of the Right of Way of Noble Road and being located in the Northwest corner of Lot 2 as shown on a recorded plat recorded in Book of Maps 1978 at page 201, Wake County Registry; thence with the Northern property line of Lot 2 South 08°17'16" East 385.64 feet to an iron pipe located in the Northeast corner of Lot 2 as shown on the above-referred recorded plat; thence North 48°11'49" West 77.64 feet to the Southeast corner of a tract of property currently owned by Trustees of Emmanuel Baptist Church; thence along the Southern property line of the Church's tract 70.95 feet to an iron pipe, said iron pipe being the Southeast corner of Lot 3 as shown on the above-referred recorded plat; thence with the Southern property line of Lot 3 West 88°17'16" West 137.75 feet to an iron pipe located in the Southwest corner of said Lot 3; thence North 88°17'16" West 86.54 feet to the edge of Eastern Right of Way of Noble Road, thence Southwest with the Eastern edge of Right of Way of Noble Road to BEGINNING and being that dedicated but unopened portion of a street known as Mills Street as shown in recorded plat in Book of Maps 1978, page 201, Wake County Registry.

IT IS FURTHER ORDERED THAT the City Clerk and Treasurer file for registration in the Office of the Register of Deeds of Wake County, North Carolina, a certified copy of this order.

Adopted: 1/4/83

Mr. Edwards indicated the Public Works Committee further RECOMMENDS THAT SUBDIVISION S-128-82, WAKE COUNTY PROPERTY, BE APPROVED AS RECOMMENDED BY THE PLANNING COMMISSION AND CR-1782; THAT IS, THAT THE REQUEST BE APPROVED ACCORDING TO A MAP ENTITLED, "WAKE COUNTY PROPERTY," DATED SEPTEMBER 17, 1982. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE SPECIAL COMMITTEE ON POLICE AFFAIRS

POLICE AFFAIRS SPECIAL COMMITTEE - INFORMATION ACCEPTED, ITEM 8 - REVIEW COMMITTEE - RETAINED IN SPECIAL COMMITTEE ON POLICE AFFAIRS

The Agenda pointed out during the last Council Meeting, Mayor York made a verbal recommendation. Mayor Pro Tem Walters asked that the recommendation be placed on this Agenda. At that time, Mayor York stated that one principal recommendation relating to increasing the number of people in the Internal Affairs Unit from 2 to 3 had been approved and implemented, as well as the recommendation that one of the three positions in the Internal Affairs Unit be filled by a black.

Mayor York indicated the CURRENT RECOMMENDATIONS FROM THE COMMITTEE ARE AS FOLLOWS:

(1) That the Council receive the notebook of information that has been supplied.

(2) That the Committee have three more meetings to continue to consider Item 8 - the item having to do with involving citizens in a review of certain police activities, and to consider an additional memorandum submitted recently by Frank Roberts.

(3) That someone outside of City Administration review the present potential hostage procedures with regard to its application to mentally disturbed persons. This relates to Item 5 in the notebook.

Mayor York indicated that this was originally the Police Chief's recommendation and the City Manager had suggested that THIS STUDY BE DONE BY JACK MCCALL, WHO IS THE SENIOR CONSULTANT ON THE GOVERNOR'S CRIME AND SAFETY COMMISSION, and he would add this to the recommendation of the Committee. Mr. Calloway moved the recommendations as outlined by the Mayor be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

CARALEIGH - POSSIBLE PURCHASE OF LAND FOR PARK USE - DENIED; PARKS AND RECREATION ADVISORY BOARD REQUESTED TO CONTINUE LOOKING FOR SITE IN THIS VICINITY

During the Council Meeting on September 7, 1982, the Parks and Recreation Advisory Board recommended the purchase of approximately 5 acres of land in the Caraleigh area of the City for use as a park. The recommendation was referred to the Real Estate Committee for study and recommendation. The Committee studied the proposal and authorized an appraisal on the property. After much study, the Committee recommends that the property not be purchased and further recommends that the Council work towards completion of development of parks already planned and, generally, not purchase additional park land until plan development is accomplished. Mr. Walters, Chairman of the Real Estate Committee, read the recommendation and on behalf of the Committee, moved its adoption.

Mr. Keller indicated he generally concurred with the last sentence of the recommendation, but pointed out in this particular area the feeling is very strong, as he feels they do need some type of play area. He pointed out this is an area of town that doesn't have much in the way of amenities and it is nearly two miles to the nearest park. He stated it is a growing area with young families, small children, etc. He indicated what the people are asking for is a grassy area with sliding boards, swings, etc., and he would move that this be referred back to Parks and Recreation for study. Mr. Walters pointed out that the appraisal on this particular piece of property was rather high and the property is not very desirable for a park. He indicated representatives of the neighborhood were at the meeting and expressed opposition to the City purchasing this property because of its closeness to Carolina Pines, location of the particular property, the undesirability of the property, etc. Mr. Walters indicated we may need more play area in this area, but the Committee felt strongly that the price for this property and the need does not coincide. Mr. Edwards indicated it is poor land with a gully and we would be confronted with filling, etc., and the cost of the land was very high. He stated as far as this particular location is concerned, he feels that the recommendation should be upheld and the City not purchase the land. He stated if the Council wanted to look for another site in the area, he would have no big problem. Mr. Keller indicated he agreed that the land was overpriced. After other discussion, Mr. Edwards made a substitute motion that THE COUNCIL APPROVE THE RECOMMENDATION OF THE REAL ESTATE COMMITTEE AND REFER TO THE PARKS AND RECREATION ADVISORY BOARD, AN ITEM TO STUDY AND LOOK FOR ANOTHER PARK SITE IN THIS IMMEDIATE VICINITY. HIS SUBSTITUTE MOTION WAS SECONDED BY MR. WALTERS AND PUT TO A VOTE WHICH PASSED UNANIMOUSLY. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

METHODIST HOME MASTER PLAN - ADMINISTRATION TO SOLICIT PROPOSALS

During the last Council Meeting, the Parks and Recreation Advisory Board recommended that the City Council proceed with a master plan for the Methodist Home property. The matter was referred to Administration. City Manager Zachary, in a memo dated December 30, 1982, recommended THAT THE CITY COUNCIL AUTHORIZE ADMINISTRATION TO INVITE PROFESSIONAL SERVICE PROPOSALS FROM AN ARCHITECT/LANDSCAPE ARCHITECT TEAM TO DO A TOTAL COMPREHENSIVE MASTER PLAN OF THE METHODIST HOME PROPERTY SO THAT ALL LAND AND BUILDINGS CAN BE BEST UTILIZED. It was pointed out normal procedures will be used to contract and interview interested consultants and the Council will make the final decision of the team to do the plan. The funding is recommended to be in the $15,000 range and will be appropriated from Council reserve of park improvement funds (37-2-1000-100). The final fee will be negotiated with the team that presents the most suitable proposal. An architect/landscape architect team is needed so that building repairs, renovations and potential uses can be considered in the complete use of the park. A team approach with the landscape architect and architect working together seem to be best indicated for this project. It was pointed out if funding is approved, the Parks and Recreation Advisory Board can go ahead with the naming of the 15 member master plan committee in January using normal procedures. The City will look at this project as a total comprehensive plan for building, land, program uses, neighborhood, school, and full City wide community uses as well. The Committee should have broad representation from civic, school, neighborhood and community groups that have an interest in the project. City Manager Zachary pointed out the Law and Finance Committee has an item to discuss relating to the School Board's request for use of the property and the Comprehensive Planning Committee has an item that asks the Parks and Recreation Board to develop a list of interim uses. The information that would be gathered by these two Committees could be important infor-

mation for the master plan group to consider. He indicated, perhaps, the master plan shouldn't be started until the Law and Finance Committee gets the recommendations from the school administration. After brief discussion, Mr. Edwards MOVED THAT ADMINISTRATION BE AUTHORIZED TO PROCEED WITH THE SELECTION OF THE TEAM FOR THE PLAN TO COME BACK TO THE COUNCIL BEFORE SELECTING THE TEAM. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

HOUSING STUDY - MAYOR AUTHORIZED TO SIGN CONTRACT WITH FORAN AND GREER

Mayor York reported the Downtown Committee RECOMMENDS APPROVAL OF THE CONTRACT WITH FORAN AND GREER, INCORPORATED, FOR THE CAPITAL AREA HOUSING STUDY AT THE FEE NOT TO EXCEED $15,000, WHICH IS AVAILABLE IN CODE ACCOUNT 01-2-1220-266. Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

MARKET PLAZA PROJECT - VARIOUS ACTIONS APPROVED - ITEM RETAINED IN COMMITTEE

Mayor York reported the Downtown Committee RECOMMENDS THAT THE CITY COMMIT ITSELF TO PLANTING TREES ON MARTIN AND WILMINGTON STREETS IN CONNECTION WITH THE MARKET PLAZA ASSOCIATES PROJECT, WITH THE HOPE THAT THE PERMANENT TREES COULD BE INSTALLED BY THE COMPLETION OF THE PROJECT BUT, IF NOT, THAT THE CITY WILL LOOK AT AN INTERIM SOLUTION SUCH AS ABOVE THE GROUND PLANTERS TO PROVIDE A TREE SCAPE IN THIS AREA. Mr. Upchurch moved the recommendation as outlined be upheld. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York reported the Downtown Committee RECOMMENDS THAT THE CITY COUNCIL REQUEST THE LOAN POOL COMMITTEE TO MEET NO LATER THAN JANUARY 10, TO CONSIDER MARKET PLAZA ASSOCIATES APPLICATION. He indicated, during the Downtown Committee, that the Downtown Committee recommended that the Council advise the Loan Pool Committee that if it is determined by City Administration that there is no significant adverse effect on cash flow that the City does not object to a 25 year a mortization schedule of the 10 year loan to Market Plaza Associates. Mayor York indicated since the Committee Meeting, Administration has looked at the matter and the Downtown Coordinator in a memo, dated January 4, 1983, after discussion with the Community Development Director, recommends that: (1) THE CITY NOT OBJECT TO MARKET PLAZA ASSOCIATES REQUESTING THE LOAN POOL COMMITTEE TO AMORTIZE THE LOAN OVER 25 YEARS, SO LONG AS THE CITY'S SUBSIDY IS NOT INCREASED AND MARKET PLAZA ASSOCIATES ARE ALLOWED TO PAY THE ADDITIONAL INTEREST ($6,632.00) AT THE END OF THE TEN YEARS. (2) AT THIS TIME, THE CITY'S COMMUNITY DEVELOPMENT DEPARTMENT WILL WORK WITH MARKET PLAZA ASSOCIATES IN NEGOTIATING THE ADDITIONAL AMORTIZATION PERIOD WITH THE LOAN POOL COMMITTEE. (3) THE COMMUNITY DEVELOPMENT DEPARTMENT WILL DISCUSS INFORMALLY WITH HUD THE POSSIBILITY OF REVISING OUR AGREEMENT TO PERMIT THE ADDITIONAL FUNDS REQUIRED. (4) SUBJECT TO DISCUSSIONS WITH THE LOAN POOL COMMITTEE AND HUD, ADMINISTRATION WILL REPORT BACK TO THE COUNCIL ON HOW THE MARKET PLAZA REQUEST SHOULD BE HANDLED. After brief discussion, Mr. Edwards moved that the recommendation, as outlined by the Mayor and suggested by Administration, be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. The City Clerk was directed to write a letter immediately to the Loan Pool Committee advising them of this action.

Mayor York indicated as a matter of information, the Committee has authorized the Mayor and the City Manager to set up a meeting with the banks in the area of the Market Plaza project to discuss their contribution to the program. This portion of the item would remain in Committee for further study. Mayor York pointed out this relates to NCNB and Wachovia and a possible commitment from them of $55,000 to do the improvements to Market Plaza extended. The item was received as information.

CITY MARKET DEVELOPMENT SELECTION - ADMINISTRATION TO REQUEST ADDITIONAL INFORMATION; ITEM RETAINED IN COMMITTEE

Mayor York reported the Downtown Committee recommends THAT THE CITY REQUEST ADDITIONAL INFORMATION ON THE PROPOSALS FROM THE CRANSTON DEVELOPMENT CORPORATION IN MOORE SQUARE DEVELOPMENT GROUP FOR UNDERTAKING THE COMBINED MARKET - ARCADE PROJECT AS APPROVED IN CONCEPT BY THE CITY COUNCIL ON DECEMBER 21, AND THAT THE ITEM REMAIN IN COMMITTEE TO REVIEW THE INFORMATION RECEIVED ON THE PROPOSALS. On behalf of the Committee, Ms. Babb moved the recommendation be upheld, which was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ZUCHELLI-HUNTER CONTRACT - TIME EXTENDED

Mayor York reported the Downtown Committee RECOMMENDS THAT THE GENERAL CONTRACT WITH ZUCHELLI-HUNTER AND ASSOCIATES BE EXTENDED UNTIL MARCH 15, 1983, AT NO ADDITIONAL COST. After brief discussion, Ms. Babb moved the recommendation as outlined be upheld, which was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

UDAG APPLICATION - INFORMATION RECEIVED - ITEM RETAINED IN COMMITTEE

Mayor York indicated as a matter of information, the Downtown Committee had agreed to holding the application for the UDAG Grant until the present quarter. The item will remain in Committee for further study. Ms. Babb indicated she was a little confused as to the status of the UDAG Application, pointing out as she understands what the City Manager has said to the Downtown Committee, the York-Hannover group will be preparing the application but the City will be submitting the application. Mayor York indicated basically the money from the UDAG Grant would cover the cost of the parking facility. He indicated it would be like a loan to York-Hannover, but the interest York-Hannover paid would come back to the City and would be related to the parking revenues received from that facility. Ms. Babb questioned if the Mayor was saying that we would receive a UDAG Grant, make a loan to York-Hannover and they would own the parking deck with Mayor York indicating that is the way he understands it, but the City would be loaning someone else's money and the City would be getting the interest. City Manager Zachary indicated another different twist is that we are talking about selling "underground" rights, as the City would still control the Plaza area. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

SEWER MAIN EXTENSION - OUTSIDE THE CITY - APPROVED WITH CONDITIONS

City Manager Zachary indicated Council members received in their Agenda Packet a copy of a letter of request from a representative of PMC, Incorporated and a copy of a memorandum from the Public Utilities Director. A map of the proposed project was available at the meeting. Mr. Edwards INDICATED HE WOULD LIKE TO BE EXCUSED FROM PARTICIPATION IN THIS MATTER, AS HIS COMPANY IS INVOLVED. Without objection, Mr. Edwards was excused.

City Manager Zachary indicated it is recommended THAT THE REQUEST OF PMC, INCORPORATED BE APPROVED BY THE CITY COUNCIL WITH THE FOLLOWING CONDITIONS: THAT THE STATE OF NORTH CAROLINA FORMALLY DEDICATE THE COLLECTION SYSTEM IN QUESTION TO THE CITY OF RALEIGH WITHIN A 20 FOOT SANITARY SEWER EASEMENT, THE EXTENSION OF THE LINE TO THE PMC PROPERTY BE AT THE EXPENSE OF PMC AND THAT IT BE INSTALLED IN A 20 FOOT SANITARY SEWER EASEMENT TO BE DEDICATED TO THE CITY, THAT THE EXISTING LINE OWNED BY THE STATE OF NORTH CAROLINA WHICH IS TO BE DEDICATED TO THE CITY AND IMPROVED TO ACCEPTABLE STANDARDS OF THE PUBLIC UTILITIES DEPARTMENT PRIOR TO THE ACCEPTANCE OF THAT DEDICATION BY THE CITY, ALL AT NO COST TO THE CITY. It was pointed out that this relates to a sanitary sewer line originating in the vicinity of the NCSU Veterinarian School and proceeding eastward to the House Creek Outfall, and the extension of a sanitary sewer main from this line to the properties owned by PMC, Incorporated, located on Blue Ridge Road, southeast of the intersection of Blue Ridge Road and I-40. Mr. Upchurch moved the recommendation of the City Manager be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative, except Mr. Edwards who was excused. THE MAYOR RULED THE MOTION ADOPTED.

NEUSE RIVER WASTEWATER TREATMENT PLANT - AUTHORIZATION TO GRAZE CATTLE - APPROVED CONDITIONALLY

City Manager Zachary indicated the City has received a letter from Cynthia B. Harris, requesting permission to graze cattle on cover crops at the Neuse River Waste Treatment Plant. Council members received in their Agenda packet a copy of the letter from Ms. Harris. City Manager Zachary explained land disposal of sludge is still somewhat experimental and after some experience and testing, the City may desire to offer this grazing for a fee. However, at this point, it is recommended THAT THE REQUEST FROM MS. HARRIS BE GRANTED CONDITIONAL UPON THE STATEMENTS IN HER LETTER, THE EXECUTION OF A SUITABLE INDEMNIFICATION STATEMENT AND THE RECOGNITION THAT THE CITY CAN UNILATERALLY WITHDRAW THIS PERMISSION AT ANY TIME (MS. HARRIS' LETTER INDICATED THAT THE CATTLE WILL ONLY BE PLACED ON LAND WHICH THE TREATMENT PLANT OFFICIALS SPECIFY IS APPROPRIATE FOR GRAZING, MS. HARRIS WILL SUPPLY THE ELECTRIC FENCING AND IT WILL BE TEMPORARY AND CAN BE REMOVED AT ANY TIME AND THEY WILL MONITOR THE COWS). Mr. Upchurch moved administration's recommendation be upheld, which was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

RALEIGH TRANSIT AUTHORITY - RECOMMENDATION - REFERRED TO LAW AND FINANCE COMMITTEE

Phil Harvell, Chairman of the Transit Authority, was at the meeting to request the City Council to institute a change in the accounting and budgeting of the City Transit operating assistance. Presently, an operating subsidy, which is dependent on operating costs and passenger revenues, is budgeted for a given fiscal year. At the end of the fiscal year, there will be an unspent balance in the subsidy account if the Transit System has operated at a more efficient level than what was expected in the budget. Instead of these funds reverting to the general fund, the Transit Authority requests that these funds be held in a separate transit reserve account to be used exclusively by the Transit Authority following Council appropriation. This change becomes desirable in light of possible federal cutbacks and rising costs. He indicated this type of reserve accounting is done in other cities in North Carolina and across the country. Mr. Harvell indicated he or the full authority would be happy to work with the Council should they desire to pursue the request. Brief discussion took place, with Mr. Harvell indicating that the Authority felt that this

would give them incentives to work harder to make sure that the system was run the most efficient way possible. In response to questioning, he indicated they anticipate that this would amount to around $50,000 to $60,000 a year. Brief discussion took place, with various Council members indicating they wanted to be cooperative, but felt that this should be studied further and to get input from administration. Mr. Jordan MOVED THAT THE REQUEST OF THE TRANSIT AUTHORITY BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Mr. Walters. In response to questioning, City Manager Zachary indicated, generally speaking, he does not feel that the City Council should relinquish any control or power they have and that he feels that all of the funds should be General City Funds. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PRIVILEGE LICENSE - BUBBA'S CAFE - APPROVED

This was a privilege license application for Bubba's Cafe, 3914 Winton Road, in the name of the manager, Leslie Stephen Loyd. The application is for a live entertainment classified as a class I entertainment center. The restaurant, sundries tax and on premises beer and wine license have been issued. Police and zoning inspections reports indicate approval. Mr. Calloway MOVED THE PRIVILEGE LICENSE APPLICATION BY BUBBA'S CAFE BE APPROVED. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

UTILITY ACCOUNT - CREDIT TERMS FOR JON CRAWFORD - APPROVED

A duplication of an account number by the Consumer Service Office staff deleted the utility record of Jon Crawford, 1408 Crabtree Boulevard, by deleting the account there were no monthly charges from March 26, 1981 to November 16, 1982. The deleted account has now been corrected and the accumulated charges totaled $272.30. Since this results from an error of the City, it is requested THAT PAYMENT OF THE BALANCE, AT 1408 CRABTREE BOULEVARD, BE ALLOWED OVER A 12 MONTH PERIOD, IN ACCOMMODATION OF THE REQUEST OF THE USER. Mr. Edwards moved administration's recommendation be upheld, which was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

TRANSFER - HUMAN RESOURCES DEPARTMENT - APPROVED

The Addendum presented a transfer in the amount of $1,000 for unanticipated cost of living increase and longevity pay not figured in the original grant application with recommendation of approval. Mr. Calloway MOVED THE TRANSFER IN THE HUMAN RESOURCES DEPARTMENT AS OUTLINED BE AUTHORIZED. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 132 TF 21.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE

REPORT OF MAYOR AND COUNCIL MEMBERS

HOUSING STUDY - ARNOLD ZOGRY REPORT - TO BE PLACED ON JANUARY 18 AGENDA

Mayor York indicated housing is a priority concern of this Council and it is his feeling that new initiatives are needed in the area of housing. He stated he believed a good starting point would be the report, dated December 20, 1982, prepared by Arnold Zogry and Company. He presented Council members with a memo which has several pages of the Zogry report attached. He indicated the last two pages of the report are entitled, "The Next Step". Section A is for implementation by the City and Section D is for implementation by the private sector. The private sector recommendations require a committee to be appointed by the City Council. He indicated as a way of pursuing this matter, he would recommend that we adopt these steps. He went through the Zogry reports explaining the implementation by the City steps which are included on Page 27 under "Specific recommendations for the City roll." He then went through Part B "For implementation by the private sector," and then went to Page 30 of the report relating to specific recommendations for the private sector. Mayor York indicated he felt that all of Zogry's ideas are worth discussion, pointing out his recommendation is just a means or a process for reviewing Mr. Zogry's recommendation. He stated he felt Mr. Zogry did a good job, pointing out most of the report applies to what Zogry calls "Heart of Raleigh." After other discussion, Mr. Calloway MOVED THAT THE CITY COUNCIL MEMBERS STUDY THE ZOGRY REPORT AND REVIEW THE MAYOR'S RECOMMENDATION AT THE JANUARY 18 MEETING. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RALEIGH/WAKE COUNTY SCHOOLS - MEMO - COMMENTS MADE

Mayor York indicated Council members received a memo about the possible closing of inter-city schools. He indicated the memo mentioned a timetable and pointed out that this matter has been referred to the Intergovernmental Committee. He stated he felt that we need to get moving on this item. Mayor York indicated he did not understand if the Wake County School Board is considering closing all nine schools or if they plan to close several schools from the nine listed, with Mr. Edwards indicating it is his understanding that they propose to close all nine schools. Brief discussion took place, however, no action was taken.

ZONING FIELD TRIPS - TIME SET

Mayor York indicated there had been some discussion about setting a permanent time for Council members to make the zoning field trips. He stated it has been suggested that the Council have a zoning field trip on THURSDAY MORNING, AT 8:00 A.M., PROCEEDING THE FIRST ZONING HEARING OF EACH QUARTER WITH THE UNDERSTANDING THAT ALL ZONING CASES FOR THAT MONTH WOULD BE SEEN ON ONE TRIP. Without objection, the Council agreed to this schedule.

TREES - 1706 NOTTINGHAM ROAD - CITY TO REMOVE

Mr. Edwards indicated in July and again in November, he referred to administration the problem of two trees on Nottingham Road. He indicated Council members had a memo from the City Manager stating that the Parks and Recreation Department does not recommend that the trees be removed. He stated, however, the City Manager's memo indicated he had no problem if the Council wanted to permit the trees being removed. Mr. Edwards indicated he felt that the trees are a public nuisance and since there is no real objection from the City Manager and it is a public nuisance, he would RECOMMEND THAT THE CITY REMOVE THE TWO PINE TREES AT 1706 NOTTINGHAM ROAD. He presented pictures of the trees in question. In response to questioning, he indicated the trees are on the public right-of-way and while the trees may be alive, there is a lot of dead wood, etc. City Manager Zachary indicated to his knowledge, this is the first time that this ordinance has come to Council. He indicated if there are trees on a public right-of-way, a property owner can request that they be removed and the City arbortist makes this decision. However, if the property owner disagrees with the arbortist's decision, that decision can be appealed to the Council. He indicated the code has been followed and the arbortist recommended that the trees not be removed, however, Mr. Edwards indicates he feels they are a public nuisance and should be removed. Mr. Edwards' motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

STREETLIGHTS - MILBURNIE ROAD - REFERRED TO ADMINISTRATION

Mr. Walters indicated he would like TO REFER TO ADMINISTRATION THE MATTER OF STREETLIGHTS ON MILBURNIE ROAD, BETWEEN SWAIN AND PEARTREE. He stated this is an area of about 200 yards and there are no streetlights at all. He indicated it is very dark on the curve along Milburnie Road and he has had a lot of complaints and would like for Administration to consider placing streetlights in this area. He presented a map to the City Manager showing the exact location. Without objection, the matter was referred to administration.

SEWER BACK UP - LATIMER ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan requested THAT A SEWER BACKUP PROBLEM AT THE JACK STINNEFORD HOUSE AT 4500 LATIMER ROAD BE REFERRED TO THE LAW AND FINANCE COMMITTEE. Without objection, the item was referred.

CABLEVISION - INFORMATION RECEIVED

Mr. Jordan questioned who has requested RFP's from the City Attorney. City Attorney McCormick indicated ATC and Billy R. Jones have made a request for an RFP.

ALLEYWAY - CABARRUS STREET - REFERRED TO ADMINISTRATION

Mr. Keller indicated he would like for administration to look at the alleyway located opposite the school on Cabarrus Street. It was pointed out that this property is zoned the east side behind the 400 block of South Boylan Avenue. Mr. Keller indicated representatives of the Inspections Department have been with him out to this location. He stated he feels that administration should take a look at it and either have the alley cleaned up or close it and let it revert to the property owner. Without objection, THE ALLEYWAY LOCATED OPPOSITE THE SCHOOL ON CABARRUS STREET - BEHIND THE 400 BLOCK OF SOUTH BOYLAN AVENUE WAS REFERRED TO ADMINISTRATION.

REPORT AND RECOMMENDATION OF THE CITY CLERK

NONE

ADJOURNMENT

There being no further business, Mayor York announced the meeting adjourned at 3:30 p.m., to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk/Treasurer

TW/THUR/1

The City Council of the City of Raleigh met in a regular reconvened session on Tuesday, January 4, 1983, at 7:00 p.m. in the City Council Chambers with the following present:

Mayor York, Presiding
Ms. Babb (arrived late)
Mr. Calloway (absent and excused)
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and indicated Mr. Calloway was not feeling well and would be unable to attend the meeting and had asked to be excused. Without objection, Mr. Calloway was excused.

REQUESTS AND PETITIONS OF CITIZENS

ROCKWOOD DRIVE HOMEOWNERS ASSOCIATION - REQUEST FOR WATER SUPPLY - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Evelyn B. Causino, 4419 Rockwood Drive, indicated she was representing the nine homeowners on the community water system and the seven individuals on private water systems on Rockwood Drive. She indicated Council members have information dated December 9 relative to their request. She indicated their water system has deteriorated to a point that they have to have help. She indicated prior to coming to this hearing, they contacted several companies who install water systems to see what their alternative would be. She stated under these alternatives it would be very costly to the property owners with no promises given. Ms. Causino gave information on the water capacity in January, 1979, explaining they are down to 108 gallons per family, per day, at this point. She stated the request was outlined in their December 9 letter and she was at the meeting to request the City of Raleigh to extend City water to their community. City Manager Zachary read a memo from the Public Utilities Director which indicated this area is substantially removed from the City and it is not scheduled for any substantial installation at this point. Mayor York questioned why this item was before the City Council, rather than Wake County and questioned if the Homeowners Association was going to address the County. Ms. Causino indicated it was her understanding they had to come to the City, as it would be the City's water. After brief discussion, Mayor York suggested THAT THIS REQUEST BE REFERRED TO THE INTERGOVERNMENTAL COMMITTEE TO DISCUSS WITH WAKE COUNTY AND IN THE MEANTIME, SUGGESTED TO THE HOMEOWNERS ASSOCIATION THAT THEY ADDRESS THE WAKE COUNTY COMMISSIONERS WITH THEIR CONCERN AND REPORT TO THEM THAT THE CITY OF RALEIGH HAS REFERRED THIS TO THE INTERGOVERNMENTAL COMMITTEE.

MS. BABB ARRIVES AT THE MEETING.

GRACE LUTHERAN CHURCH - REQUEST FOR AMENDMENT TO CITY CODE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Doyle Wood, representing Grace Lutheran Church, was at the meeting to request the City Council to amend the zoning law to allow their church to continue to temporarily house needy people. He indicated if this amendment could not be a city wide amendment to allow churches to house needy people, then he would like for the Council to amend the law to allow churches to carry on this activity under certain conditions after approval of the Board of Adjustment. He indicated Grace Lutheran Church went before the Board of Adjustment and the Board could find no way to allow the operation to continue. He stated Grace House was started over three years ago and they have never had any problem and never had the police to come out, except to ask them to help someone. He indicated what they want is permission to allow four adults to stay a maximum of three weeks each. He indicated they plan to modify two sunday school classrooms into dormitory type dwelling facilities. He indicated they have volunteers to run this organization and have set up administrative policy, including one to one sponsor with the people who stay in their establishment. He indicated they would like to be able to give love and friendship to the homeless on a short term basis. He pointed out they screen and question their guests and all guests have to abide by the rules. He indicated they have not been and would not be taking in people that could be handled by other organizations. He pointed out, presently they are averaging four to five referrals per month from such organizations as the Urban Ministries, Salvation Army, Women's Center, Housing Assistance Program, Sheltered Workshop, etc. He indicated this is not duplicating any other services that is available in the City of Raleigh. Mr. Wood presented the Clerk with what he indicated was 23 letters from various churches throughout the City supporting the recommendation to amend the law.

Mayor York indicated Mr. Wood had been trying to get this worked out and he suggested that Mr. Wood come to Council. He indicated everyone appreciates the efforts of Grace Lutheran Church, but pointed out the rules that the City Council make are generally in response to questions or problems in a neighborhood or someone coming to the Council to ask that a rule be made. City Attorney McCormick, in response to questioning, indicated according to the Zoning Inspector and he feels that the Zoning Inspector is right that the program carried on by Grace House is not allowed in R-4 zoning. He indicated they went to the Board of Adjustment and the Board could find no way to allow this type activity under the present code. He indicated there are

several alternatives. One is to make this a use as of right in any zoning classification, or a special use permit with certain criteria that would have to be developed. Mayor York pointed out that Grace Lutheran Church is zoned Residential-4 and if it is allowed in the church, then it would probably have to be allowed anywhere in Residential-4, as he understands there is nothing in the current zoning law to distinguish a church from a regular residence. Mr. Wood questioned if there was a possibility of having a special use permit for churches only and after brief discussion, Mr. Edwards MOVED THAT THE REQUEST TO AMEND THE ZONING CODE TO ALLOW CHURCHES TO TEMPORARILY HOUSE NEEDY PEOPLE TO BE REFERRED TO THE PUBLIC WORKS COMMITTEE. Without objection, the item was so referred.

PLANNED UNIT DEVELOPMENTS - REQUEST - WITHDRAWN

Bernadine Weddington had requested permission to discuss the implementation of planned unit development in R-4 zoning districts of less than fifty acres. Mayor York indicated he understood that it had been requested that this item be withdrawn from the Agenda. The item was withdrawn with no action taken.

WATER BILL - 7905 HARDWICK DRIVE - REFERRED TO LAW AND FINANCE COMMITTEE

Edward and Janice O'Sullivan had requested permission to discuss additional adjustment on their water bill at 7905 Hardwick Drive. The City Clerk reported that Mrs. O'Sullivan had called and indicated she could not be at the meeting, but would like to discuss this with the Committee. WITHOUT OBJECTION, THE ITEM WAS REFERRED TO LAW AND FINANCE COMMITTEE.

THOROUGHFARE CONFLICT - NORTH RALEIGH INDUSTRIAL PARK - REFERRED TO PUBLIC WORKS COMMITTEE

Fred Davis, representing Bennett A. Rowland, owner of North Raleigh Industrial Park, was at the meeting pointing out his client owns property south of Gresham Lake Road. He indicated his client has lately made improvements on a subdivision that was approved in 1970, pointing out the reason he is at Council is that his client would like to encroach on the corridor of the outer Belt Loop to construct a supply building with a chain link fence, etc. Mr. Davis presented Council members with a map showing the location of the corridor and proposed improvements. Brief discussion took place and by general consensus, THE REQUEST WAS REFERRED TO THE PUBLIC WORKS COMMITTEE.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - APPROVED - 202 BLUFF AVENUE AND 202 WALKER STREET - APPROVED AS AMENDED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as outlined below. The charges, if confirmed, will become a lien against the land:

2902 Woods Place - Arthur Spain, Jr., property owner - $498.00. No one asked to be heard.

10 Rosemary Street - William E. Jackson, III, property owner - $124.99. No one asked to be heard.

Mr. Edwards MOVED ADOPTION OF A RESOLUTION CONFIRMING THE CHARGES AS OUTLINED, AT 2902 WOODS PLACE AND 10 ROSEMARY STREET. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 135.

202 Bluff Avenue - $222.00 and - 202 Walker Street - $122.00 - William R. O'Neil, property owner. Mr. O'Neil indicated he was the owner of O'Neil Chrysler Plymouth on Wilmington Street. He indicated last August, he received 6 to 8 certified letters addressed to himself and his wife. He indicated these letters had the same arthor, same typist, etc. He indicated he mentioned this, as he felt it was very expensive to send them separately certified. He indicated all letters related to having work done on his property. He stated he did some work and got letters of appreciation for a job well done. He indicated in November, he got two letters advising him of the charge for cleaning two lots. He stated he knew nothing about these two lots. He pointed out he found out that the City had actually cleaned four lots or gave him four lot numbers, but these lot numbers did not coincide with the lot numbers that he has. He indicated, in addition to that, the amount of the charges completely floored him. He stated if he had contracted this work out and had to pay this amount, he would have felt that there was collusion, fraud, incompetency, or whatever. He pointed out there is a lot of bid rigging going on these days. He apologized for being at the meeting, but stated he just didn't feel he had been done right. He pointed out there were a lot of mistakes made, including the letter telling him of the charges, but again pointed out the lot numbers on the letters from the City are not the lot numbers he owned. He stated he thought he had the job done and was doing some work and one of the tractors broke down. He stated this whole thing just ticked him off and he was at the Council to ask that the charges be cancelled.

Housing Inspections Supervisor Bartholomew indicated the last correspondence Mr. O'Neil received from the City did have incorrect figures. He indicated he realized this and called Mr. O'Neil correcting the figures and then wrote him the corrected figures. Mr. Bartholomew indicated the numbers on the City correspondence are the same numbers that are on the deed and the tax records. He pointed out the old subdivision maps do have different numbers. He stated he does not feel that Mr. O'Neil had any doubts about which lots he owned, as he started cleaning these lots and stopped. He indicated the inspector called Mr. O'Neil and followed up in a letter to Mr. O'Neil the facts in this case. He indicated when the public nuisance was not abated, the inspector called Mr. O'Neil at his business and was told that the tractor broke down and he couldn't finish the work. He indicated the City went to public bid and the lots were cleaned by the City. He indicated Mr. O'Neil had requested that he rescind the charges, but Mr. Bartholomew indicated he couldn't recommend that they be rescinded, as the City had followed all of the requirements, etc. He pointed out this wasn't the only property that was cleaned in this area, pointing out the other owners were notified and they cleaned their property. Mr. O'Neil indicated the tax notices he receives have one number and the City has other numbers. Mr. Jordan questioned if there was any doubt that the City contractor cleaned the lots owned by Mr. O'Neil. Mr. O'Neil indicated he thought that they had cleaned all the lots that had to be cleaned. He stated they had cleaned the lots in the first block before, but they had never had to go in the second block. He stated they were never notified by the correct number. Lengthy discussion took place as to what lots were cleaned, how they were cleaned, what work was done, what work Mr. O'Neil completed, the size of the lots, and which lot Mr. O'Neil started to clean and then did not. No one else asked to be heard. Mr. Edwards MOVED THAT THE CITY CUT THE CONTRACT PRICE ON THE CLEANING OF EACH LOT IN HALF, BUT LEAVE THE ADMINISTRATIVE FEE THE SAME. THEREFORE, CONFIRM CHARGES IN THE AMOUNT OF $123.50 AGAINST 202 BLUFF AVENUE, AND $73.50 AGAINST 202 WALKER STREET. His motion was seconded by Mr. Keller and put to a vote which passed with all members voting in the affirmative, except Mr. Jordan who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-135

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Arthur Spain, Jr.	2902 Woods Place Lot 175, Map 521 ID # 0066215	$498.00
William E. Jackson, III	10 Rosemary Street Lot 19, Block D-30 ID # 0021740	$124.99
William R. O'Neal	202 Bluff Avenue Lot 145, Map 578 ID # 0052209	$123.50
William R. O'Neal	202 Walker Street Lot 156, Map 578 ID # 0031187	$ 73.50
James W. Whitaker Heirs	824 Hadley Road ID # 0076006	$221.68

Section 3. That this resolution shall become effective January 4, 1983.

Adopted: January 4, 1983

UNSAFE BUILDING - 3219 TRAWICK ROAD - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance to declare the building at 3219 Trawick Road, unsafe and directing that it be demolished. The property is in the name of Lawrence James and Mrs. Carney Bemis. The Mayor opened the hearing, no one asked to be heard, thus, the hearing was closed. Mr. Edwards MOVED ADOPTION OF AN ORDINANCE TO DECLARE THE BUILDING AT 3219 TRAWICK ROAD UNSAFE. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. 1983-51

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 3219 TRAWICK ROAD IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 7, Chapter 4, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Building," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Inspections Superintendent for the reason that the same is an unsafe building as described in Part 7, Chapter 4, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Lawrence James and Mrs. Carney Bemis	3219 Trawick Road

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Article IV of Chapter 7 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective January 4, 1983.

Adopted: January 4, 1983

Effective: January 4, 1983

PUBLIC NUISANCE COST CONFIRMATION - 1013 SOUTH WILMINGTON STREET - RESOLUTION RESCINDING CHARGES ADOPTED

This was a hearing to consider correcting Resolution 1981-195 to the end that the charges for abating the public nuisance at 1013 South Wilmington Street, would be made in the name of Carl B. Phelan, rather than Dezola F. Johnson, as it has been found that Mr. Phelan was the correct owner of the property at the time of confirmation of the charges. Housing Inspections Supervisor Bartholomew indicated he is requesting THAT THE CHARGES AGAINST 1013 SOUTH WILMINGTON STREET FOR ABATING THE PUBLIC NUISANCE BE RESCINDED. He indicated in January, 1980, the City placed the lien against the property and it was owned by Dezola Johnson. He indicated the Revenue Collector said there was some problem with the ownership. He stated the City had cleaned the property on December 28, 1979, and Mr. Phelan purchased the property that same day. He stated he feels the City of Raleigh is entitled to the money for abating the nuisance, but due to the fact that Mr. Phelan had no knowledge of a nuisance being abated, he would recommend that the resolution be repealed. Discussion took place on the fact that the abatement charge was not recorded and Mr. Phelan had no way of knowing that there was a lien against the property. After brief discussion, Mr. Walters MOVED THAT THE CITY REPEAL THAT PART OF RESOLUTION 1980-195 AS IT RELATES TO 1013 SOUTH WILMINGTON STREET. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION 1983 - 136

A RESOLUTION TO AMEND RESOLUTION 1980-195

WHEREAS, Resolution 1980-195 was adopted and confirmed charges against 1013 South Wilmington Street; and

WHEREAS, the property changed hands on the date of confirmation of the charges.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Resolution 1980-195 be amended by deleting any reference to 1013 South Wilmington Street.

Section 2. That no other part of the resolution is affected by this amendment.

Adopted: January 4, 1983

Effective: January 4, 1983

PUBLIC NUISANCE COST CONFIRMATION - 824 HADLEY ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $221.68 for abating the public nuisance at 824 Hadley Road in the name of the James W. Whitaker, Heirs. Inspections Divisions' efforts to locate the owner had been unsuccessful, therefore, notice was by publication in The Raleigh Times. The Mayor opened the hearing, no one asked to be heard, thus, the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION CONFIRMING THE CHARGES AGAINST 824 HADLEY ROAD AS OUTLINED. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 135.

ASSESSMENT ROLL 983 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correcting Water Assessment Roll 983 to the end that the assessment against Lot 27 in the amount of $2,534.01, will be in the name of Darius Bazargan, rather than Martha H. Wilson. It has been found that Mr. Bazargan was the correct owner of the property at the time of confirmation. The Mayor opened the hearing. No one asked to be heard, thus, the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION CORRECTING WATER ASSESSMENT ROLL 983 AS OUTLINED. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE ROLL CORRECTED AT 7:48 P.M.

RESOLUTION NO. (1983) 139

A RESOLUTION TO CORRECT WATER ASSESSMENT ROLL 983, FALLS OF NEUSE ROAD.

WHEREAS, by Resolution No. 1982-66, adopted 10-19-82, the City Council confirmed Special Water Assessment Roll 983.

WHEREAS, on the map attached to said assessment roll Lot 27 was shown as being the property of Martha H. Walton.

WHEREAS, the City Council now finds that Lot 27, was, at the time of confirmation of the assessment roll, the property of Darius Bazargan and that the assessment should be corrected accordingly, as permitted by GS-160A-228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Water Assessment Roll 983 be and the same is hereby corrected, and the assessment against Lot 27 is made against Darius Bazargan.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 1/4/83

Darius Bazargan
Box 50402
Raleigh, North Carolina

Amount: $2,534.01

ASSESSMENT ROLL 657 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correcting Paving Assessment Roll 657 to the end that the assessment against Lot 3 in the amount of $1,009.20, will be made in the name of Lawrence J. Casion, Sr., rather than Gregory A. McAllister. It has been found that Mr. Casion was the correct owner of the property at the time of the confirmation. The Mayor opened the hearing. No one asked to be heard, thus, the hearing was closed. Mr. Walters MOVED ADOPTION OF A RESOLUTION CORRECTING ASSESSMENT ROLL 657 AS OUTLINED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR ANNOUNCED THE ROLL CORRECTED AT 7:49 P.M.

RESOLUTION NO. (1983) 138

A RESOLUTION TO CORRECT PAVING ASSESSMENT ROLL 657, ROCK CREEK DRIVE.

WHEREAS, by Resolution No. 1981-789, adopted 12-22-81, the City Council confirmed Special Paving Assessment Roll 657.

WHEREAS, on the map attached to said assessment roll Lot 3 was shown as being the property of Gregory A. McAllister.

WHEREAS, the City Council now finds that Lot 3, was, at the time of confirmation of the assessment roll, the property of Lawrence J. Caison, Sr., and that the assessment should be corrected accordingly, as permitted by GS-160A-228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Paving Assessment Roll 657 be and the same is hereby corrected, and the assessment against Lot 3 is made against Lawrence J. Caison, Sr.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 1/4/83

Lawrence J. Caison, Sr.
401 Parker Drive
Clinton, North Carolina 28328

Amount: $1,099.20

ASSESSMENT ROLL 983 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correcting Assessment Roll 983 relating to Falls of Neuse Road to the end that the assessment against Lot 23 in the name of William and Elizabeth Walton will be in the amount of $3,208.54, rather than $3,480.76. It has been found that the assessment against Lot 23 was figured on incorrect property frontage and the assessment roll should be corrected. The Mayor opened the hearing. No one asked to be heard. The Mayor closed the hearing. Mr. Walters MOVED ADOPTION OF A RESOLUTION CORRECTING ASSESSMENT ROLL 983 AS OUTLINED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE ROLL CORRECTED AT 7:50 P.M.

RESOLUTION NO. (1983) 137

A RESOLUTION TO CORRECT WATER ASSESSMENT ON FALLS OF NEUSE ROAD.

WHEREAS, by Resolution No. 1982-67 adopted 10-19-82, the City Council confirmed Assessment Roll No. 983 as set forth in Resolution No. 1982-35 and assessed property as follows:

Owner	Lot No.	Property I.D. No.	Frontage	Assessment
William & Elizabeth Walton	23	0074011	346.0	$3,480.76

AND WHEREAS, the assessment charged against the property should be amended because of incorrect property frontage.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G.S. 160A-228.

Owner	Lot No.	Property I.D. No.	Frontage	Assessment
William & Elizabeth Walton	23	0074011	318.94	$3,208.54

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records and to refund to any property owner the amount, if any, by which he/she has overpaid the correct amount of the assessment against his/her property.

Adopted: 1/4/83

William & Elizabeth Walton
8400 Falls of Neuse Road
Raleigh, North Carolina

The City Council went into a Joint Hearing with the Planning Commission at 8:00 p.m. and the minutes of that meeting will be covered by a separate set.

Gail G. Smith
City Clerk

TW/THUR/2